

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, et al. :
: :
Plaintiffs, :
: :
-against- : 05-CV-4622 (CPS) (KAM)
: :
NATIONAL WESTMINSTER BANK, PLC, :
: :
Defendant. :
: :
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STIPULATION AND ORDER

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, this Court in the above-captioned action ruled in its September 27, 2006 Memorandum Opinion that the first claim for relief, common law aiding and abetting, would be dismissed with leave to re-file;

NOW, THEREFORE, it is hereby stipulated that, for appellate purposes, the issues raised with respect to the first claim for relief, common law aiding and abetting, and ruled upon by the Court herein, shall be preserved for all purposes of appeal in the within action.

The parties further stipulate that the first claim for relief of the Fourth Amended Complaint in the within action is deemed dismissed without prejudice, with leave to re-file the claim consistent with any rulings the Court may enter in this case, or pursuant to any final appellate decision rendered in this case.

Dated: New York, New York
December 31, 2007

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Counsel for Plaintiffs

SO ORDERED:

Dated:

1/14/08

s/Hon. Charles P. Sifton

Charles P. Sifton, U.S.D.J.